

# Phetheni Nkuna

Director: Executive Management



Phetheni Nkuna is an admitted attorney (South Africa) with a focus on employment law. She is a Director in the Employment Law practice, and occupies the role of Director: Executive Management where she oversees several operational portfolios and works closely with the Chief Executive Office to drive the firm's strategy.

Phetheni has represented clients across different industries in various disputes ranging from dismissal related to misconduct, incapacity and operational requirements; business rationalization; restraints of trade; unfair labour practice; and employment equity. She also provides advisory and strategic support to clients and has conducted training on different aspects of conflict management and dispute resolution.

Phetheni represents clients in the CCMA, bargaining councils, and the Labour Court. In addition to the practice of law, Phetheni has given commentary on topical issues across radio and television platforms.

## About Phetheni

Phetheni Nkuna joined Routledge Modise Inc. as a Candidate Attorney in 2013. She was admitted as an attorney on 5 March 2015. She served as an Associate and was promoted to Senior Associate whilst the firm traded under the name, Hogan Lovells. She was subsequently appointed as a Partner with Lawtons Africa in April 2020. She joined Cliffe Dekker Hofmeyr as a Director in October 2020.

Phetheni holds LLB and LLM degrees, Certificate in Advanced Labour Law, and a Post Graduate Diploma: Business Administration and Master of Business Administration (MBA) degree from the Gordon Institute of Business Science (GIBS).

## Credentials

### Education

- 2021 - Master of Business Administration (MBA) – Gordon Institute of Business Science (GIBS)
- 2020 - Post Graduate Diploma: Business Administration – GIBS
- 2019 LLM (Labour Law), University of Pretoria
- 2017 Certificate in Advanced Labour Law, University of Pretoria
- 2012 LLB, University of Limpopo
- Year of admission as an attorney: 2015
- Registered with the Legal Practice Council

## Contact Phetheni

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## Expertise

[Employment Law](#)

[Government and State-Owned Entities](#)

## Location

Johannesburg

## Language

English

Afrikaans

Sepedi

isiXhosa

isiZulu

siSwati

Xitsonga

## Experience

- Phetheni's experience ranges from dismissal disputes (misconduct, incapacity and operational requirements) restraints of trade, section 197 transfers, organisational rights and wage disputes, initiating and chairing disciplinary and grievance enquiries, and employment equity. She has represented clients in the CCMA, bargaining councils and the Labour Court.
- She has serviced clients across the logistics, aviation, mining, conservation, medical, courier services, financial services, and information technology sectors. In addition, she has also done work for special units of some government departments.

## News

### [Lock-out legitimised: The legality of lock-outs in negotiating employee benefits](#)

In the recent case of South African Commercial Catering and Allied Workers Union (SACCAWU) obo Members v Phala N.O and Others 2 BLLR 176 (LAC) the Labour Appeal Court (LAC) confirmed that a lock-out initiated by an employer during negotiations with employees over a new contract is lawful if it relates to disputes over benefits that have not yet been agreed upon or acquired. Such issues fall under the scope of mutual interest rather than rights disputes and may be resolved through industrial action

### [The critical need for greater accountability in South Africa's public service](#)

Imraan Mahomed and Phetheni Nkuna, Directors in the Employment Law Practice, were recently featured in the Business Day Public Sector supplement, discussing the critical need for greater accountability in South Africa's public service.

### [A new era for traditional healers: A step towards formalisation and regulation](#)

In a significant step towards formalising the practice of traditional healing in South Africa, the Traditional Health Professional Regulations, 2024 (Regulations) were published in the Government Gazette for comment on 21 June 2024. The Regulations aim to formalise and professionalise traditional health practices in South Africa and are set to be implemented under the Traditional Health Practitioners Act 22 of 2007 (THPA) to ensure that traditional health practices are standardised and practiced safely across the country.

### [Beyond status: Parameters of section 198D of the LRA, and competent relief for current and former employees](#)

Section 198D of the Labour Relations Act 66 of 1995 (LRA) contains general provisions applicable to sections 198A to 198C, and vests the Commission for Conciliation, Mediation and Arbitration (CCMA) or bargaining council with the power to conciliate and arbitrate any dispute related to the interpretation or application of these subsections. This includes disputes related to the status of the employment relationship between a temporary employee and the client of a temporary employment service (TES). Once the CCMA determines that the employee is deemed an employee of the client in terms of section 198A(3)(b), is the scope of section 198D wide enough to empower the CCMA to grant substantive relief? What about those who are no longer "employed" at the time of lodging a dispute?

### [Take care before you share: The dangers of social media use in the workplace](#)

Advancements in technological gadgets such as smart phones and laptops, as well as the recent breakthroughs made with artificial intelligence, have undoubtedly made our lives easier by enabling us to access information seemingly at the speed of light. Furthermore, social media platforms such as Facebook, Instagram and X (formerly Twitter) have enabled users to connect and communicate with people who are on the other side of the world with a few strokes on a keyboard.

## Videos

### [Webinar Recording | Workplace harassment in Africa Obligations of an employer](#)

In this webinar, our presenters explored the duties and obligations of employers.

### [Webinar recording | Social media and the workplace](#)

Our experts discuss when conduct on social media has a bearing on the workplace.

### [Another draft Employment Equity economic sector targets: Have comments been considered?](#)

### [Laws adapted to prevent and eliminate harassment in the workplace](#)

Phetheni Nkuna, Director in our Employment Law practice joined eNCA to discuss laws adapted to prevent and eliminate harassment in the workplace.

### [A Changing Workplace: Diversity, Retention and Flexibility](#)

Employment Law experts hosted a webinar titled – A Changing Workplace: Diversity, Retention and Flexibility.

## Podcasts

### [2025 labour law changes a positive step toward an inclusive employment landscape](#)

Phetheni Nkuna, Director in the Employment Law practice recently joined Jeremy Maggs on Hot 1027 to discuss some of the recent formative labour law changes that mark a positive step toward an inclusive employment landscape.

### [Accelerate Action – The state of gender equality in the African legal sector - Episode 1](#)

The legal industry in Africa is changing, but progress toward gender equality remains a work in progress. Women are taking on leadership roles, challenging biases, and driving change—but barriers still exist. How can we accelerate action to create a truly inclusive and diverse legal sector?

### [WOZA Podcast Two - The challenges women in law face today](#)

Join CDH Conversations as we continue to commemorate 100 years of women in law. This series of three episodes, hosted in collaboration with WOZA Women in Law explores the history and vision of women in the legal profession.

### [South Africa's anticipated policy and legislative reform on the employment of foreign nationals](#)

On 28 February 2022, the Minister of Employment and Labour published a Draft National Migration Policy and Employment Services Amendment Bill for public comment. This podcast focuses on the Bill which seeks to regulate and facilitate the employment of foreign nationals. Once enacted, the Minister will be able to introduce quotas for the employment of foreign nationals either across sectors, occupational categories, nationally, or within one or more regions in a sector. Employers of foreign nationals will be required to ascertain that they are entitled to work in South Africa, and to perform the work for which they are employed, satisfy themselves that no other person in South Africa (other than foreign nationals) has requisite skills to fill the vacancy – before recruiting the foreign national, and to prepare a skills transfer plan. Finally, digital labour platforms will be recognised as employers.

### [The best practice regarding 'side hustles' and the workplace](#)

Striking a balance between the demands of a second line of employment, whilst maintaining deliverables in one's primary 9-5, can result in blurred lines, and potentially result in trouble. Phetheni Nkuna, Director in our Employment Law Practice unpacks the best practice regarding 'side hustles' and the workplace with Smile FM.

[All news by Phetheni Nkuna →](#)

## Recognition

- Legal 500 EMEA
  - The Legal 500 EMEA 2023 - 2025 mentioned Phetheni for employment
  - Africa Legal Awards: Private Practice Rising Star nominee (2020)